

Remarks

Claims 21-25, 28, and 34-41 are pending in the present application. Applicants thank the Examiner for removing many of the previous rejections, including the anticipation rejection over Dirks et al. and the obviousness rejection over Dirks in view of Voet and Voet. The following rejections are at issue and are set forth by number in the order in which they are addressed:

1. Claims 21-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Piechaczyk et al. (Appl. No. 2002/0168339);
2. Claims 21-25, 28, 34-41 are rejected under 35 U.S.C. §112, first paragraph, as lacking an adequate written description.

Claims 21 and 35 have been amended and Claim 33 has been canceled in order to further Applicant's business interests and the prosecution of the present application in a manner consistent with the PTO's Patent Business Goals (PBG; 65 Fed. Reg. 54603 (September 8, 2000)), and not in acquiescence to the Examiner's arguments and while reserving the right to prosecute the original (or similar) claims in the future. None of the claim amendments made herein are intended to narrow the scope of any of the amended claims within the meaning of *Festo Corp. v. Shokestu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) or related cases.

1. The claims are not anticipated

Claims 21-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Piechaczyk et al. (Appl. No. 2002/0168339). Applicants have amended Claim 21 to include the limitation of Claim 33 that was not subject to this rejection. Thus, Applicants respectfully submit that this ground of rejection has been rebutted and request that the claims be passed to allowance. Applicants further wish to reassert their previous arguments that Piechaczyk does not expressly or inherently teach vectors capable of the claims expression ratios.

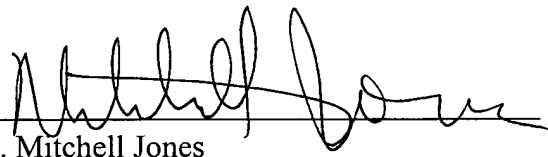
2. The claims are supported by an adequate written description

Claims 21-25, 28, 34-41 are rejected under 35 U.S.C. §112, first paragraph, as lacking an adequate written description. The Examiner indicated at page 4 of the Office Action that reciting first and second exogenous coding sequences would be remedial. Applicants have done so and thus believe that the rejection is now moot. Accordingly, Applicants respectfully submit that the rejection of the claims as lacking an adequate written description has been traversed and that the claims should be passed to allowance.

CONCLUSION

All grounds of rejection and objection of the Final Office Action of October 21, 2003 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the invention as claimed fully meets all requirements and that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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